

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

IN re BEXTRA and CELEBREX MARKETING,) MDL No. 1699
SALES PRACTICE, AND PRODUCT)
LIABILITY LITIGATION)

This Document Relates to:)

Linda Dornes) 3:06-CV-445 CRB

AGREED UPON NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

COMES NOW, Plaintiff Linda Dornes, by and through counsel, and states:

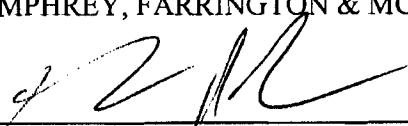
1. Pursuant to Rule 47(a)(1)(I) of the Federal Rules of Civil Procedure, Plaintiff hereby dismisses all causes of action against all defendants without prejudice.
 2. Plaintiff's original complaint was filed on August 26, 2005.
 3. Defendants Merck and Pfizer were served on September 29, 2005.
 4. Defendant Shashank B. Radadiya, M.D. was served on September 26, 2005.
 5. Defendant Shadi Hassan Shahouri, M.D. was not served.
 6. Defendant Pfizer filed an Answer to Plaintiff's complaint on November 1, 2005.
 7. Defendant Shashank B. Radadiya filed an Answer to Plaintiff's complaint on October 31, 2005.
 8. Defendant Merck filed an Answer to Plaintiff's complaint on October 27, 2005.
- and the causes of action against this particular Defendant have been transferred to MDL Docket No. 1657 in the United States District Court for the Eastern District of Louisiana where Plaintiff is simultaneously filing a Notice of Dismissal.

9. As of this filing, none of the defendants have filed a Motion for Summary Judgment or a Motion to Dismiss.

10. Plaintiff and Defendant agree that if Plaintiff re-files her action she will only do so in the federal district court.

Respectfully Submitted,

HUMPHREY, FARRINGTON & MCCLAIN, P.C.


Kenneth B. McClain MO #32430
Daniel A. Thomas MO #52030
221 West Lexington, Suite 400
Independence, Missouri 64050
(816) 836-5050
(816) 836-8966 Facsimile

ATTORNEYS FOR PLAINTIFF

Respectfully Submitted,


GORDON & REES LLP
Stuart M. Gordon
275 Battery Street, Suite 2000
San Francisco, CA 94111
(415) 986-5900
(415) 262-3801 Facsimile

ATTORNEYS FOR DEFENDANT

Pursuant to stipulation, it is so ordered.

Dated: February 6, 2007

